



NATIONAL ASSOCIATION OF THE DEAF

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April 25, 2003

Marlene H. Dortch
Office of the Secretary
Room TW-A325
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

Re: CC Docket 98-67 - Petition for Clarification on CapTel

Dear Ms. Dortch:

The National Association of the Deaf (NAD) along with the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN) and Self Help for Hard of Hearing People (SHHH) submits these comments seeking action from the FCC on the “Petition for Clarification, Provision of and Cost Recovery for CapTel, an Enhanced VCO Service,” which was filed with the Commission on April 12, 2002.¹

Established in 1880, the NAD is the nation’s oldest and largest consumer advocacy organization safeguarding the civil and accessibility rights of 28 million deaf and hard of hearing individuals in the United States. DHHCAN, established in 1993, serves as the national coalition of organizations²

¹ Pleading Cycle Established for Comment on Petition for Clarification on the Provision of and Cost Recovery for Captioned Telephone as an Improved Voice Carry Over Service for Telecommunications Relay Service, CC Dkt. No. 98-67, DA 02-1490 (June 26, 2002). Ultratec’s petition was filed on April 12, 2002.

² Members of DHHCAN include American Association of the Deaf-Blind (AADB), American Deafness and Rehabilitation Association (ADARA), Association of Late-Deafened Adults (ALDA), American Society for Deaf Children (ASDC), Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD),

representing the interests of deaf and hard of hearing citizens in public policy and legislative issues relating to rights, quality of life, equal access, and self-representation. SHHH is the foremost consumer organization for people with hearing loss in the United States. Its mission is to open the world of communication to people with hearing loss through information, advocacy, and support. SHHH is headquartered in Bethesda, Maryland with 13 state organizations and 250 chapters nationwide.

During the public comment period in July and August 2002, well over 100 consumer organizations, industry and individual consumers including NAD, SHHH, TDI, ALDA and others filed comments overwhelmingly in support of recognizing CapTel as an enhanced voice carry over service. Commenters also urged the commission to waive requirements not applicable to CapTel such as VRS, STS, and HCO. The record clearly shows generally no one objecting, and everyone in favor of this TRS technology advancement. Our comments today are to urge the Commission to issue a declaratory ruling with waiver or similar action to allow the CapTel to be reimbursed from the TRS Fund to further availability.

The NAD's original filing on August 12, 2002 strongly recommended that the FCC accept CapTel as an enhanced voice carry over (VCO) service. Along with our fellow national consumer organizations we urged the Commission to take positive action on this petition.

Original SHHH comments describe CapTel as "a potential breakthrough for VCO users ... CapTel, an innovative VCO, is exciting and opens up a more natural, functionally equivalent way for people with residual hearing and speech to use relay."³ Similarly, TDI said, "The CapTel services ...represent a significant step forward in meeting the goals of Title IV of the Americans with Disabilities Act ("ADA")

Communication Service for the Deaf (CSD), Deaf Seniors of America (DSA), Gallaudet University, Gallaudet University Alumni Association (GUAA), Jewish Deaf Congress (JDC), National Association of the Deaf (NAD), National Black Deaf Advocates (NBDA), National Catholic Office of the Deaf (NCOD), Registry of Interpreters for the Deaf (RID), Telecommunications for the Deaf Inc.(TDI), USA Deaf Sports Federation (USADSF), and The Caption Center/WGBH.

to bring about true, real-time TRS calls that are functionally equivalent to traditional voice communication services. As such, they should qualify as a telephone transmission service that is eligible to receive reimbursement from the interstate TRS fund managed by the National Exchange Carrier Association.”⁴

Original comments filed by SHHH point out, “CapTel moves VCO towards functional equivalence for people who prefer VCO and use it...[and is] not so much a new relay service as a more functionally equivalent way of providing VCO, with a direct connection feature and voice and text over one line.”⁵

Since our original filing, CapTel trials have begun across the country. Certain states and/or telecommunications relay providers have approached Ultratec to establish CapTel trials. Our understanding is CapTel trials are currently under way for a limited pool of individuals in Wisconsin, Virginia, Maryland, Washington State, Oregon, Illinois, Missouri, California, Minnesota and Federal Relay (for federal government employees in any state in the country). Most of these programs already have waiting lists. Pennsylvania is beginning a trial in May 2003. Florida is scheduled to begin in June 2003. Although this is allowing availability to a limited pool of consumers in selected states, it is our understanding that many states are awaiting FCC action prior to moving forward with full-fledged services.

There is considerable and pent-up demand for this technology by many who currently are not being served otherwise by our nation’s relay service due to the need for functionally equivalent telecommunication access that gives the consumer ability to dial their call as one would any call, hear the other party with residual hearing, conduct the call as close to the normal conversation flow as possible, and not feel third party intervention by the operator. Many of these individuals are struggling

³ SHHH at 2 & 4.

⁴ TDI at 1.

inadequately with amplified phones, relying on others to make calls for them, or simply not using the phone at all. The Americans with Disabilities Act was intended to meet the telecommunications needs of all deaf and hard of hearing Americans and finally has the potential of doing so with innovations such as CapTel, and other emerging technologies such as IP Relay and VRS.

The NAD and its fellow coalition members urge the Commission to expedite action on behalf of consumers around the nation that are eager to make use of the Captioned Telephone, as well as for those who are already enjoying use via CapTel trials but are concerned their newfound telecommunications access will be terminated when their state trial ends. By expedited Commission action the FCC can avoid being an obstacle to deployment of what otherwise is viewed by those who have experienced it as an improved TRS technology offering.

Employment Aspect:

As the FCC stated in its Improved Services Order, “TRS is a critical tool for employment...”⁶ Petition commenters note with great appreciation how CapTel has allowed them to do their jobs more efficiently and effectively. In some cases, CapTel users have noted receiving promotions or more responsibilities with their ability to make efficient business calls using CapTel.

We wish to further note, Title IV of the ADA and the commission’s own rules state,

“No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to persons with

⁵ SHHH at 1-2.

⁶ Improved Services Order at ¶7. “Improving the quality of TRS will enhance employment opportunities for people with hearing and speech disabilities and may contribute to a decrease in their unemployment rate.” *Id.*

disabilities. VCO and HCO technology are required to be standard features of TRS.”⁷

We are concerned that delay in deployment could have the affect of going against the ADA and the Commission’s rules by having deployment of new technology to those across the nation stilted by lack of action on the original CapTel petition.

The NAD, along with DHHCAN and SHHH, appreciates the consideration of the FCC in giving serious and expeditious consideration to this petition.

Sincerely,

A handwritten signature in black ink that reads "Nancy J. Bloch". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nancy J. Bloch
Executive Director
National Association of the Deaf
814 Thayer Avenue
Silver Spring, Maryland 20910-4500
Email: bloch@nad.org

cc: Michael Powell, FCC Chairman
Kathleen Abernathy, FCC Commissioner
Jonathon Adelstein, FCC Commissioner
Michael Copps, FCC Commissioner
Kevin Martin, FCC Commissioner
Dane Snowden, Chief, FCC Consumer and Governmental Affairs Bureau
Thomas Chandler, Chief, FCC Disability Rights Office
Cheryl King, Deputy Chief, FCC Disability Rights Office
Kelby Brick, Chair, Deaf and Hard of Hearing Consumer Action Network (DHHCAN)
Brenda Battat, Director of Public Policy and State Development, Self Help for Hard of Hearing
Persons (SHHH)

⁷ 47 C.F.R. §64.604(b) Technical Standards (5) Technology